

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SUSANNA BRUCE-MICAH,

Plaintiff,

-v-

1:22-CV-153

BAPTIST REHABILITATION
NURSING CENTER,

Defendant.

APPEARANCES:

OF COUNSEL:

SUSANNA BRUCE-MICAH
Plaintiff, Pro Se
1665 Becker Street
Schenectady, NY 12304

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On February 17, 2022, *pro se* plaintiff Susanna Bruce-Micah (“plaintiff”) filed this action alleging that defendant Baptist Health & Rehabilitation Nursing Center, her former employer, discriminated against her. Dkt. No. 1. Along with her complaint, plaintiff sought leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2. Plaintiff also moved to appoint counsel. Dkt. No. 3.

On June 27, 2022, U.S. Magistrate Judge Christian F. Hummel granted plaintiff's IFP application, denied plaintiff's motion to appoint counsel, and advised by Report & Recommendation ("R&R") that plaintiff's complaint be dismissed without prejudice. Dkt. No. 5. That R&R was adopted in full by this Court on July 18, 2022. Dkt. No. 6. Thereafter, plaintiff filed an amended complaint. Dkt. No. 7.

On September 29, 2022, after conducting an initial review of plaintiff's second pleading, Judge Hummel advised by R&R that plaintiff's amended complaint be dismissed with prejudice. Dkt. No. 8. As Judge Hummel explained, plaintiff failed to provide certain factual allegations in support of her ADEA and Title VII claims despite his prior warning to plaintiff that those facts would be necessary to sustain any claim for relief. *Id.*

Plaintiff has not filed objections, and the time period in which to do so has expired. *See* Dkt. No. 8. Upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

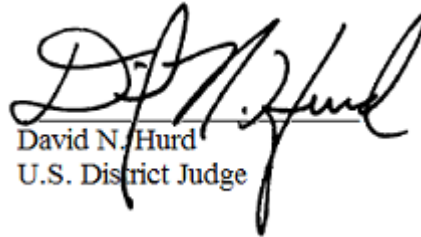
ORDERED that

1. The Report & Recommendation is ACCEPTED; and
2. Plaintiff's complaint is DISMISSED with prejudice and without leave to amend.

The Clerk of the Court is directed to terminate the pending motion, enter a judgment accordingly, and close the file.

IT IS SO ORDERED.

Dated: October 20, 2022
Utica, New York.



David N. Hurd
U.S. District Judge